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EXAMINER	
BRANT, DMITRY	
ART UNIT	PAPER NUMBER
2655	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/976,656	SUSSMAN, LESTER	
	Examiner	Art Unit	
	Dmitry Brant	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

- Remove "Patent Application of Lester Sussman" from the first page.
- Rename "OBJECTIVES OF THE PRESENT INVENTION" to "BRIEF SUMMARY OF THE INVENTION"

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson (6,091,805) in view of Paleiov et al. (6,560,320)

As per claim 1, Watson disclose:

an interactive voice response host computer for providing audio menus (12, FIG. 1);

a user telephone (20, FIG. 1);

a computer having a display screen and having a program to display visual menus on the user embedded computer display screen and wherein said user embedded computer is capable of operating independently and not in connection with said user telephone (16, FIG. 1)

a modem attached to said user embedded computer for receiving data to display visual menus and other data on the said user embedded computer display screen from a source computer (28, FIG. 1);

an interface for connecting the user telephone, and the interactive voice response host computer, wherein said interface connects the user telephone to the interactive voice response host computer, enabling sending signals from the user telephone to the interactive voice response host computer, at all times the interactive voice response host computer is connected for providing and receiving responses to audio menus and wherein the interactive voice response host computer sends only audio messages and dual tone multifrequency signals or other audio tones to said interface which converts the dual tone multifrequency signals or other audio tones to digital signals for use by said user computer; wherein said embedded computer has memory means to store said visual menus and other data; and wherein the program in the user telephone embedded computer enables the user computer display screen to display visual menus along with the audio menus provided to the user telephone (18, FIG. 1).

Watson does not disclose (1) the use of a source computer for providing text menus associated with said audio menus and (2) a user telephone with an embedded

computer having a display screen and having a program to display visual menus on the user embedded computer display screen and wherein said user embedded computer is capable of operating independently and not in connection with said user telephone.

Paleiov et al. teach the use of:

- a source computer for providing text menus associated with said audio menus (29, FIG. 1);
- a user telephone with an embedded computer having a display screen and having a program to display visual menus on the user embedded computer display screen and wherein said user embedded computer is capable of operating independently and not in connection with said user telephone (32, FIG. 1 and Col. 5, lines 32-34) .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Watson as taught by Paleiov et al. in order to enable Watson's system to display menus directly on the screen of the telephone and download new menus and graphics into the phone's memory. This would improve system's capabilities, as the separate display for the telephone is not required and, in addition, the displaying capabilities of the telephone are no longer limited by the information originally stored in the phone's memory by the manufacturer. As a result, the telephone can download and display new information (text, graphics, etc.) "on the go", thus, enhancing functionality delivered by Service Providers (Col. 2, lines 41-45)

As per claim 2, Watson discloses the means for insuring that the displayed visual menus correspond to the audio menus provided. (Col. 3, lines 14-20).

As per claim 3, Watson discloses computer memory (26, FIG. 1) which necessarily stores the data and the computer instructions of all the programs executing on that computer.

As per claim 4, Watson discloses the means for converting signals from the user telephone embedded computer into tones to be received by the interactive voice response host computer, thereby enabling selection of menu items from an input device connected to the user telephone embedded computer. (Col. 3, lines 10-14).

As per claim 5, Watson discloses a modem, (28, FIG. 1).

Watson does not disclose the use of whether a modem is a ISDN modem, or a cable modem, or a digital subscriber line modem, or a satellite modem.

However, the examiner takes the official notice that it is notoriously well-known in the art that modems can be of many types, such as analog, cable or satellite. .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Watson to use any type of the aforementioned modems. Applicant has not disclosed whether any specific type of a modem provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Watson's apparatus to perform equally

well with either analog, cable or any other type of a modem because all of these modem devices are well-known in the art to provide the communication means over the standard communication lines.

As per claim 6, Watson does not disclose the use of control program capable of receiving notification of an update to said visual menus, retrieving said update from said source computer and storing said visual menus update in said computer memory. .

Paleiov et al. teach control program capable of receiving notification of an update to said visual menus, retrieving said update from said source computer and storing said visual menus update in said computer memory (user's system can download custom graphics and layouts from the authoring workstation (Col. 6, lines 3-13, lines 57-63 and Col. 7, lines 38-41)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Watson as taught by Paleiov et al. in order to allow the system to update the information on the screen and download new menus and graphics. This improves system's capabilities, as it is no longer limited by the information originally stored by the manufacturer and can display new information "on the go", thus, enhancing functionality delivered by Service Providers (Col. 2, lines 41-45)

As per claim 7, Watson discloses the system having a modem (28, FIG. 1) and memory (26, FIG. 1). Therefore, the system will be necessarily able to download additional information associated with the phone call. (See also Col. 3, lines 5-8).

As per claim 8, Watson discloses the menus for many types of applications (business, restaurant menus, etc. are shown in FIGs. 4-5).

As per claim 9, Watson disclose:

an interactive voice response host computer for providing audio menus (12, FIG. 1);

a user telephone (20, FIG. 1);

a computer having a display screen and having a program to display visual menus on the user embedded computer display screen and wherein said user embedded computer is capable of operating independently and not in connection with said user telephone (16, FIG. 1)

a computer network communication means attached to said user embedded computer for receiving data to display visual menus and other data on the said user embedded computer display screen from a source computer; (computer is connected to LAN or other communication network- Col. 2, lines 46-47 - therefore, the computer necessarily must have the means to attach to this network)

a computer communication means whereby voice and data are transmitted and received on the said computer network communication means (necessarily, both voice and data are sent over LAN network);

an interface for connecting the user telephone, and the interactive voice response host computer, wherein said interface connects the user telephone to the interactive voice response host computer, enabling sending signals from the user telephone to the interactive voice response host computer, at all times the interactive voice response host computer is connected for providing and receiving responses to audio menus and wherein the interactive voice response host computer sends only audio messages and dual tone multifrequency signals or other audio tones to said interface which converts the dual tone multifrequency signals or other audio tones to digital signals for use by said user computer; wherein said embedded computer has memory means to store said visual menus and other data; and wherein the program in the user telephone embedded computer enables the user computer display screen to display visual menus along with the audio menus provided to the user telephone (18, FIG. 1).

Watson does not disclose (1) the use of a source computer for providing text menus associated with said audio menus and (2) a user telephone with an embedded computer having a display screen and having a program to display visual menus on the user embedded computer display screen and wherein said user embedded computer is capable of operating independently and not in connection with said user telephone.

Paleiov et al. teach the use of:

- a source computer for providing text menus associated with said audio menus (29, FIG. 1);
- a user telephone with an embedded computer having a display screen and having a program to display visual menus on the user embedded computer display screen and wherein said user embedded computer is capable of operating independently and not in connection with said user telephone (32, FIG. 1 and Col. 5, lines 32-34) .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Watson as taught by Paleiov et al. in order to enable Watson's system to display menus directly on the screen of the telephone and download new menus and graphics into the phone's memory. This would improve system's capabilities, as the separate display for the telephone is not required and, in addition, the displaying capabilities of the telephone are no longer limited by the information originally stored in the phone's memory by the manufacturer. As a result, the telephone can download and display new information (text, graphics, etc.) "on the go", thus, enhancing functionality delivered by Service Providers (Col. 2, lines 41-45)

As per claim 10, Watson discloses the means for insuring that the displayed visual menus correspond to the audio menus provided. (Col. 3, lines 14-20).

As per claim 11, Watson discloses computer memory (26, FIG. 1) which necessarily stores the data and the computer instructions of all the programs executing on that computer.

As per claim 12, Watson discloses the means for converting signals from the user telephone embedded computer into tones to be received by the interactive voice response host computer, thereby enabling selection of menu items from an input device connected to the user telephone embedded computer. (Col. 3, lines 10-14).

As per claim 13, Watson discloses a modem (28, FIG. 1).

Watson does not disclose the use of whether network communication is performed through Ethernet, wireless 802.11b, or Bluetooth connections.
be of many types, such as analog, cable or satellite.

However, the examiner takes the official notice that it is notoriously well-known in the art that network local network connections can be performed through many different types of network protocols (Ethernet, wireless LAN, etc.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Watson to use any type of the aforementioned network protocols and hardware. Applicant has not disclosed whether any specific type of a network protocols/hardware provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Watson's apparatus to perform equally well with either type of LAN protocol,

because all of these protocols are well-known in the art to provide connectivity for the standard local area networks.

As per claim 14, Watson does not disclose the use of control program capable of receiving notification of an update to said visual menus, retrieving said update from said source computer and storing said visual menus update in said computer memory. .

Paleiov et al. teach control program capable of receiving notification of an update to said visual menus, retrieving said update from said source computer and storing said visual menus update in said computer memory (user's system can download custom graphics and layouts from the authoring workstation (Col. 6, lines 3-13, lines 57-63 and Col. 7, lines 38-41)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Watson as taught by Paleiov et al. in order to allow the system to update the information on the screen and download new menus and graphics. This improves system's capabilities, as it is no longer limited by the information originally stored by the manufacturer and can display new information "on the go", thus, enhancing functionality delivered by Service Providers (Col. 2, lines 41-45)

As per claim 15, Watson discloses the system having a modem (28, FIG. 1) and memory (26, FIG. 1). Therefore, the system will be necessarily able to download additional information associated with the phone call. (See also Col. 3, lines 5-8).

As per claim 16, Watson discloses the menus for many types of applications (business, restaurant menus, etc. are shown in FIGs. 4-5).

As per claim 17, Watson discloses:

an interactive voice response host computer for providing audio menus (12, FIG. 1);

a user telephone; (20, FIG. 1);

a computer network communication means attached to said user embedded computer for receiving data to display visual menus and other data on the said user embedded computer display screen from a source computer;

an interface for connecting the user telephone, and the interactive voice response host computer, wherein said interface connects the user telephone to the interactive voice response host computer, enabling sending signals from the user telephone to the interactive voice response host computer, at all times the interactive voice response host computer is connected for providing and receiving responses to audio menus and wherein the interactive voice response host computer sends only audio messages and dual tone multifrequency signals or other audio tones to said interface which converts the dual tone multifrequency signals or other audio tones to digital signals for use by said user computer; (18, FIG. 1).

Watson does not disclose (1) the use of a source computer for providing text menus associated with said audio menus, (2) a user telephone with an embedded

computer having a display screen and having a program to display visual menus on the user embedded computer display screen and wherein said user embedded computer is capable of operating independently and not in connection with said user telephone, wherein (3) the said embedded computer has the means to convert voice signals to computer readable and storable data;

and (4) wherein said embedded computer has memory means to store said visual menus and other data; and (5) wherein the program in the user telephone embedded computer enables the user computer display screen to display visual menus along with the audio menus provided to the user telephone

Paleiov et al. teach the use of:

- a source computer for providing text menus associated with said audio menus (29, FIG. 1);
- a user telephone with an embedded computer having a display screen and having a program to display visual menus on the user embedded computer display screen and wherein said user embedded computer is capable of operating independently and not in connection with said user telephone (32, FIG. 1 and Col. 5, lines 32-34)
- wherein the said embedded computer has the means to convert voice signals to computer readable and storable data; (microprocessor - Col. 5, line 33)
- wherein said embedded computer has memory means to store said visual menus and other data; (necessarily included with microprocessor - Col. 5, line 33)

- wherein the program in the user telephone embedded computer enables the user computer display screen to display visual menus along with the audio menus provided to the user telephone (Col. 5, lines 40-45)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Watson as taught by Paleiov et al. in order to enable Watson's system to display menus directly on the screen of the telephone and download new menus and graphics into the phone's memory. This would improve system's capabilities, as the separate display for the telephone is not required and, in addition, the displaying capabilities of the telephone are no longer limited by the information originally stored in the phone's memory by the manufacturer. As a result, the telephone can download and display new information (text, graphics, etc.) "on the go", thus, enhancing functionality delivered by Service Providers (Col. 2, lines 41-45)

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brendzel (5,912,952) teaches a voice-response menu with a visual interface.

Fawcett et al. (5,802,526) teach a method of simultaneously navigating through a an audio/visual response menu.

Hillier (6,493,428) teaches text-enhanced voice menu system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Brant whose telephone number is (703) 305-8954. The examiner can normally be reached on Mon. - Fri. (8:30am - 5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (703) 306-3011. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Tech Center 2600 receptionist whose telephone number is (703) 305- 4700.

DB

7/28/04

Nguyen Vo
8-5-04

NGUYEN T. VO
PRIMARY EXAMINER